IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.44259 of 2008
IRSAD ANSARI ….. PETITIONER
Versus
THE STATE OF BIHAR …. OPP. PARTY
With

Cr.Misc. No.45846 of 2008
GUDDU CHAUDHARY …. PETITIONER
Versus
THE STATE OF BIHAR …. OPP. PARTY
---

2. 21.11.2008 None appears for the petitioner Guddu Chaudhary. I have Sri Ashwini Kumar Rai, Advocate for the petitioner Irsad Ansari and Sri D. Mehta, APP for the State.

Out of the offences under which the FIR has been drawn up Section 363 IPC is bailable. The contention is that the offence under Section 365 IPC is triable by a Magistrate of Ist Class. The learned Judge has referred to a paragraph of the case diary, which indicates that the Sweater of the victim was found in the house of the present petition.

WEB COPY NOT OFFICIAL

The contention is that there could be various reasons for finding of the Sweater in the house of the petitioner and above all, the offences are not triable by a Court of Sessions.

Under the above facts, let two petitioners in two petitions namely, Irsad Ansari and Guddu Chaudhary be released from custody on furnishing a bond of Rs.10,000/-

(ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Buxar in connection with Itarhi P.S. Case No. 116 of 2007.

**DKS/** **(Dharnidhar Jha, J.)**

WEB COPY NOT OFFICIAL